

#13
Patent
Atty. Docket 242/026



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Neil H. Bander

Serial No.: 09/357,709

Filed: July 20, 1999

For: TREATMENT AND DIAGNOSIS OF
PROSTATE CANCER

) Group Art Unit: 1642

) Examiner: J. Hunt

TECH CENTER 1600/2900

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INFORMATION DISCLOSURE STATEMENT ACCOMPANYING RCE

BOX RCE
Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

Applicant directs the Examiner's attention to PCT Publication Nos. WO 99/43710 and WO 00/50457, both filed and published after the priority date of the instant application. At page 11, lines 22 to 24 of WO 99/43710 and page 14, lines 1-2 and page 30, lines 13 to 20 of WO 00/50457, the monoclonal antibody PEQ226 is recited as "generated by hybrid cell line ATCC Deposit #HB9131, deposited June 24, 1986." Applicant's attorney contacted the ATCC on August 22, 2001 and was

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Box RCE, Washington, D.C. 20231.

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informed that the hybrid cell line was deposited under restriction and has not been released to the public. Also cited in the IDS are other references that mention monoclonal antibody PEQ226; Dillman R.O et al., "Human Anti-Mouse Antibody Response in Cancer Patients Following Single Low-Dose Injections of Radiolabeled Murine Monoclonal Antibodies", Cancer Biotherapy, 9(1):17-28 (1994); Dillman et al., "Toxicities associated with monoclonal antibody infusions in cancer patients." Molecular Biother, 1:81-85 (1988); Leung, J., et al., "Selection of a monoclonal antibody to a new prostate cancer marker for in vivo clinical trials" (abstract) 6th Int. Congr. Immunol., p. 516 (1986); and Wang et al., "Monoclonal Antibody Assays for Prostatic Tumor", Immunol Ser 39:195-219 (1988).

Applicant's submission of the items identified in this IDS is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR Section 1.97(h)), or even qualifies as "prior art" under 35 USC Section 102 with respect to the instant invention.

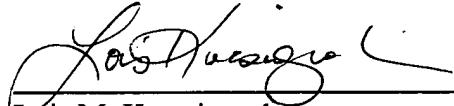
It is submitted that this IDS is timely as being filed with the concurrently filed Request for Continued Examination (RCE).

Respectfully submitted,

LYON & LYON LLP

Dated: September 18, 2001

By:


Lois M. Kwasigroch
Reg. No. 35,579

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(213) 489-1600

Enclosures: Form PTO-1449 and copies of references cited therein